

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **31 JANUARY 2005 (31.01.2005)**

Applicant's or agent's file reference

limgapman

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/KR2004/002680

International filing date (day/month/year)

19 OCTOBER 2004 (19.10.2004)

Priority date(day/month/year)

23 OCTOBER 2003 (23.10.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC7 A61K 35/60

Applicant

LIM, Gap-Man

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2004/002680

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2004/002680

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-6	YES
	Claims	none	NO
Inventive step (IS)	Claims	none	YES
	Claims	1-6	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims	none	NO

2. Citations and explanations :

The present invention relates to an ointment formulation for hemorrhoids prepared from the power of swellfish roe and a starfish.

The following documents have been considered for the purpose of this report:

D1 = KR 2002-64807 A1 (10. 08. 2002)

D2 = KR 2003-24512 A1 (26. 03. 2003)

D3 = KR 2001-16541 A1 (05. 03. 2001)

D1 discloses a process of preparing a therapeutic agent for hemorrhoids by heating the roe of a swellfish at a specified temperature and then mixing sodium chloride.

D2 discloses a vaginal suppository containing a mixture of treated starfish (asterina pectinifera).

D3 discloses an urethral detergent and a medicine for cystitis, prostatitis, and urethritis using starfish salt.

1. Novelty

None of the documents D1-D3 discloses the ointment for hemorrhoids comprising the power of the roe of a swellfish and a starfish.

Therefore, the subject matter of claims 1-6 is considered to be novel under PCT Article 33(2).

2. Inventive Step

However, there is no mention to confirm that the addition of a starfish and an additive such as banana and a charonia sauliae into the ointment formulation has a surprisingly changed effect on the treatment for hemorrhoids compared to the present invention. Further, the use of a starfish as an pharmaceutical agent is a simple change in materials which can be selected by a person skilled in the art, as shown in D2 and D3, and there is no remarkable difficulty in that. Therefore, the subject matter of claims 1-6 is considered to lack an inventive step under PCT Article 33(3).

3. Industrial Applicability

The subject matter of claims 1-6 appears to meet the requirement of PCT Article 33(4).